

REMARKS

In the Office Action of December 14, 2007, the Examiner rejected claims 1 and 3-6 under 35 U.S.C. §102(a) for being anticipated by Asahi Kasei Chemicals Corporation with U.S. Patent No. 7,256,238 serving as its English translation. It is assumed the Examiner meant to include "WO 03/008466" after Corporation so that the rejection is based on the WIPO publication and the U.S. patent.

The effective date of WO'466 as a prior art reference under 35 U.S.C. §102(a) is its publication date of January 30, 2003. It was published in Japanese, so it is not effective as a prior art reference as of its filing date of July 18, 2002.

This application claims priority of Japanese Application No. 2002-122931 filed April 24, 2002 and No. 2002-134040 filed May 9, 2002. Both filing dates are prior to the effective date of WO'466 as a reference under §102(a). The Office Action of April 25, 2007 acknowledges receipt of both priority documents. Enclosed to complete Applicants' right to priority under 35 U.S.C. §119, are verified English translations of Japanese Applications No. 2002-122931 and No. 2002-134040.

Claim 1, the only independent claim in this case, is fully supported by Japanese Application 2002-122931. See, for example, the claims on pages 1-6 of the English translation. Thus it is believed Applicants are entitled to April 24, 2002 as their effective filing date in the United States. Consequently, WO'466 is not available as a prior art reference against this case. Its withdrawal as a ground of rejection of the claims under §102(a) is therefore requested.

The Examiner also rejected claims 1-6 under 35 U.S.C. §103(a) for being obvious over Klutz (U.S. 5,322,867), Fujiwara et al. (U.S. 6,833,411) or WO'466 in view of Fusamae et al. (U.S. 7, 005,469).

WO'466 is not available as a prior art reference, so the rejection based on WO'466 in view of Fusamae et al. is moot.

Fujiwara et al. is the national stage of PCT/JP02/08029 which was published in Japanese on February 27, 2003 under number WO 03/01645. Thus the effective date of Fujiwara et al. as a prior art reference is its publication date of February 27, 2003. Since this is subsequent to Applicants' effective filing date of April 24, 2002, it is submitted that the rejection based on Fujiwara et al. in view of Fusamae et al is also moot.

Fusamae et al. is the national stage of PCT/JP02/01252 which was published in Japanese on August 22, 2002 under number WO 02/064636. The WIPO publication number of WO 02/064363 set forth in Fusamae et al. is not correct. Thus the effective filing date of Fusamae et al. as a prior art reference is its publication date of August 22, 2002. Since this is subsequent to Applicants' effective filing date of April 24, 2002, it is submitted that the rejection based on Klutz in view of Fusamae et al. is also now moot. This is also an additional reason why the rejections over WO'466 and Fujiwara et al. using Fusamae et al. as a secondary reference are moot.

In summary, it is believed none of the rejections of the claims as set forth in the Office Action are valid rejections and should be withdrawn. Such action and allowance of claims 1-6 is therefore requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: April 14, 2008

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Attachments: Verified English translation of Japanese Application No. 2002-122931; &
Verified English translation of Japanese Application No. 2002-134040.

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